

## **Complaint Exhibit List**

### **D'Andre Alexander vs. Fortney Hospitality Group, Inc.**

1. Citation Notice -Violations of the Code of Ordinance – Dated December 10, 2014
2. Business License Operation Conditions Agreement – Dated March 14, 2017



# EXHIBIT 1



**City of Minneapolis  
Licenses and Consumer Services Division**  
350 South Fifth Street Room 1-C City Hall  
Minneapolis, Minnesota 55415  
[www.minneapolismn.gov](http://www.minneapolismn.gov)

Spanish- Atención. Si desea recibir asistencia gratuita para traducir esta información, llame 612-673-2700  
Somali- Ogow. Haddii aad dooneysa in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500  
Hmong-Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800  
English- Attention. If you need this material in an alternate format, have questions, are deaf or hard-of-hearing, please call 612-673-3000.  
TTY: 612-673-2626 or 612-673-2157

FOR 1328 UPTON  
ATTN: ERIC FORTNEY  
1348 LAGOON AVE  
MINNEAPOLIS, MN 55408

30-DEC-14

Request number: 14-1090644

**CITATION NOTICE  
VIOLATIONS OF THE CODE OF ORDINANCES**

RE: 1348 LAGOON AVE

Enclosed is an administrative citation that has been issued for noncompliance of city ordinances as follows:

Minneapolis Code of Ordinance 259.250(4) requires the license holder to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas.

Minneapolis Ordinance 259.230(d) requires the submission of a business plan. Under Minneapolis Code of Ordinance 259.250(9) you are required to adhere to the submitted business plan. Your business has not complied with your business plan in the following manner.

Inspector's Comments: On 12-10-14, an assault occurred on your premises that resulted in significant bodily harm to the victim. A review of the incident revealed that your staff did not follow your business security plan. Your plan stated, "proactive in assessing and handling of potential customer issues such as a customer demonstrating aggressive behavior towards staff and other customers." Your bartender stated, to Minneapolis Police, that a verbal argument proceeded the physical altercation. The bartender used the word "escalated" to describe where the incident started as a verbal altercation and lead to a physical altercation. Yet, he did not intervene at the verbal argument stage as your plan indicated he should have. Further, your business plan addressed the issue of using acrylic material rather than glass. This apparently was not done and a new incident with glass occurred on your premises. Immediately contact Minneapolis Police License Inspector Todd Loining to arrange an upgrade in your business security plan as it is apparent your current plan does not prevent assaults on your premises.

The fine amount for this citation is indicated on the citation. Failure to pay this citation before 20-JAN-15 will result in an additional late fee penalty. If you fail to comply with the above city ordinance, additional citations may be issued and fines may double daily. Nonpayment of fines may result in loss of your business license.

You may request a hearing to contest this citation. A request for a hearing must be in writing and must be received within twenty days from issuance of the citation. Your inspector cannot waive, reduce or dismiss this fine. If you decide to request a hearing, please be aware that the hearing officer has the following authority:

- (1) Mediate and enforce a settlement of the dispute;
- (2) Determine whether a violation occurred;
- (3) Dismiss the administrative citation;
- (4) Impose the scheduled fine;
- (5) Reduce, stay or waive a scheduled fine upon compliance with appropriate conditions; or
- (6) Increase the scheduled fine when the actual costs of enforcement are shown by a preponderance of the evidence to be greater than the amount of the scheduled fine.

**IF YOU HAVE ANY QUESTIONS ABOUT THESE ORDERS, OR IF YOU ARE NOT THE OWNER, AGENT, OR OCCUPANT, PLEASE CALL THE INSPECTOR LISTED BELOW.**

The Minneapolis Code of Ordinances is available at:

- Minneapolis Public Library, Government Documents Section
  - City Clerk's Office, Room 304 City Hall, 350 South 5<sup>th</sup> Street
  - [www.minneapolismn.gov/government/laws](http://www.minneapolismn.gov/government/laws)
- Information on business licenses can be reached on line at [www.minneapolismn.gov/business-licensing](http://www.minneapolismn.gov/business-licensing) .

ALL MATERIALS AND SERVICES ARE AVAILABLE IN ACCESSIBLE FORMATS

TTY NUMBER: 612-673-3300

JULIE CASEY, LICENSING INSPECTOR, Phone: (612) 673-3905

Office hours 8:00 a.m. – 4:00 p.m.



**City of Minneapolis**  
**Licenses and Consumer Services Division**  
350 South Fifth Street Room 1-C City Hall  
Minneapolis, Minnesota 55415  
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**EXHIBIT 2**



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**30-DEC-14**

FOR 1328 UPTON  
ATTN: ERIC FORTNEY  
1348 LAGOON AVE  
MINNEAPOLIS, MN 55408

**ADMINISTRATIVE CITATION**

This citation charges you with a violation of Minneapolis City Code of Ordinances.  
For information on how to respond to this citation, see the reverse side of this form.

**Violation number:** 14-1090644  
**Violation Location:** 1348 LAGOON AVE  
**Violation Date:** 30-DEC-14

**Violation:**

LV367

Failure to provide adequate security to prevent criminal activity per MCO 259.250(4).

LV361

Failure to comply with your submitted business plan as required under MCO 259.250(9)

**FINE:** \$200 (If not paid by 20-JAN-15 a 10% late payment fee will be added)

JULIE CASEY, LICENSING INSPECTOR, Phone: (612) 673-3905

**Warning – Failure to respond to this citation within twenty (20) days will result in increased penalties and fees assessed.**

**DO NOT COMBINE THIS PAYMENT WITH ANY OTHER CITY BILLING**  
**Make Checks Payable to: MINNEAPOLIS FINANCE DEPARTMENT**

MICRO-PERFORATED: Detach and return this portion with payment. Do not fold this

**ADMINISTRATIVE CITATION BILLING STATEMENT**

<b>Location:</b> 1348 LAGOON AVE	<b>MAIL PAYMENTS TO</b> Licenses and Consumer Services Division 350 South 5 <sup>th</sup> St, Room 1-C Minneapolis MN 55415-1316	<b>Date Due</b> 20-JAN-15	<b>Amount Due</b> Now \$200
<b>Please write this number on your check: 14-1090644</b>		Amount Due After Above Due Date: \$ 220	

CITY OF MINNEAPOLIS  
LICENSES AND CONSUMER SERVICES  
350 SOUTH 5<sup>TH</sup> STREET, ROOM 1-C, CITY HALL  
MINNEAPOLIS, MN 55415

**BUSINESS LICENSE OPERATING CONDITIONS**

1348 UPTOWN, INC.  
1348 Lagoon Avenue  
Minneapolis, MN 55408

Re: Bar Louie,  
1348 Lagoon Avenue  
On Sale Liquor with Sunday Sales, Class B

1. Food and beverage service for all customers on the outdoor patio Sunday through Tuesday shall cease at midnight. Food and beverage service for all customers on the outdoor patio Wednesday through Saturday shall cease at 2:00 a.m. and all patrons shall be off the premises by 2:30 a.m.
2. Amplified music in the outdoor area shall cease no later than Midnight Sunday through Tuesday and by 1:00 a.m. Wednesday through Saturday.
3. Bar Louie shall meet with the Environmental Management Division during an event featuring a DJ for a noise/sound migration evaluation to review strategies to determine and minimize unwanted sound emanating from the outdoor patio area within 30 days of signing this agreement. Bar Louie shall submit the strategies for approval from the Licenses and Consumer Services Division. These strategies shall be considered a business license operating condition and shall be implemented as such.
4. The outdoor patio shall be enclosed by a fencing or other barriers and Bar Louie shall direct and take reasonable measures to ensure, all patrons enter the outdoor area through the existing restaurant doors.
5. Bar Louie shall maintain a security plan and exit strategy and employ a manager, an assistant manager or supervisory-level employee at all times the business is open to the public.
6. The license holder will provide validated parking to its customers for the first hour of parking, in the MoZaic parking ramp, with a minimum food and/or beverage purchase of \$12 at Bar Louie. The minimum purchase is subject to change.
7. Bar Louie shall post educational signs regarding excess noise and its impact on livability in the neighborhood.
8. Bar Louie shall not increase their bar area, as defined by Minneapolis Code of Ordinance 360.10. This includes removal of tables and chairs at high patron occupancy.

I have read the conditions listed above. I agree with the conditions and understand that failure on our part or on the part of my company or employees to adhere to these conditions, may be cause for future adverse license action, including the suspension, revocation, or denial of the renewal of the LIC 351382 Bar Louie license. These conditions will be effective for the duration the license operates at these premises, unless otherwise amended by the City Council of Minneapolis.



Based upon the foregoing, this agreement is freely & voluntarily entered into in good faith:

For:

Signature

Print Name

VP/Sec  
Title

Date: 3-14-17

City of Minneapolis

Grant Wilson, Manager  
Business Licenses

Dated: 3-14-17

WKF